

carriers covered by the requested authorization.

(g) Specify every corporation—industrial, financial, or miscellaneous—of which the applicant is an officer or director, and the general character of the business conducted by such corporation.

(h) The reasons, fully, why the granting of the authority sought will not affect adversely either public or private interests.

(i) Whether or not any other application for authority has been made in behalf of the applicant and, if so, shall show the date and finance docket number thereof, by who made, and the action thereon, if any.

(j) When application has been made in behalf of any person, a subsequent application by him need not repeat any statement contained in the previous application but may incorporate the same by appropriate reference.

[32 FR 20095, Dec. 20, 1967. Redesignated and amended at 47 FR 49595, Nov. 1, 1982. Redesignated at 53 FR 39097, Oct. 5, 1988]

**§ 1185.7 Subscription and verification of application.**

The original application shall be signed by the individual applicant, and shall be verified under oath in substantially the following form:

State of \_\_\_\_\_  
County of \_\_\_\_\_, ss.  
\_\_\_\_\_ make \_\_\_\_\_ oath and say—that \_\_\_\_\_ hold—no position as officer or director of any carrier or other corporation except as indicated in the foregoing application, and that all of the statements contained therein are true and correct to the best of \_\_\_\_\_ knowledge and belief.

(Signature of applicant)  
Subscribed and sworn to before me, a \_\_\_\_\_ in and for the State and county above named, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[SEAL]

My commission expires \_\_\_\_\_

[32 FR 20095, Dec. 20, 1967. Redesignated at 47 FR 49595, Nov. 1, 1982. Redesignated at 53 FR 39097, Oct. 5, 1988]

**§ 1185.8 Number of copies; form and style.**

The original application and 10 copies thereof shall be filed with the Commission. Each copy shall bear the dates

and signatures that appear on the original and shall be complete in itself, but the signatures in the copies may be stamped or typed and the notarial seal may be omitted. The application shall be submitted in typewritten or printed form, on paper not more than 8½ inches wide and not more than 12 inches long, with a left-hand margin of 1½ inches, and if typewritten, the impression must be on only one side of the paper, and must be double spaced.

[32 FR 20095, Dec. 20, 1967. Redesignated and amended at 47 FR 49595, Nov. 1, 1982; 53 FR 19303, May 27, 1988. Redesignated at 53 FR 39097, Oct. 5, 1988]

**§ 1185.9 General authority.**

Any person, who has been or shall hereafter be authorized to hold positions with a carrier or with a company or companies subsidiary thereto or affiliated therewith, may include in any application made by him pursuant to the foregoing regulations in this part a request for a decision authorizing him to hold generally, in addition to the positions so specifically authorized, a directorship or any office or offices with the first-mentioned carrier and all companies subsidiary thereto or affiliated therewith, or the properties of which are operated or used by the carrier, either separately or jointly, with other carriers. Like general authority may be applied for by the first-mentioned carrier in behalf of any person or persons to whom such specific authority has heretofore been granted: *Provided*, That such general authority may not be applied for by such carrier when the person for whom authority is desired holds a position or positions with any carrier or carriers not subsidiary to or not affiliated with the first-mentioned carrier, or the properties of which are not operated or used by the first-mentioned carrier, either separately or jointly with other carriers. Every carrier application shall be verified by an executive officer having knowledge of the facts.

[32 FR 20095, Dec. 20, 1967. Redesignated and amended at 47 FR 49595, Nov. 1, 1982; Redesignated at 53 FR 39097, Oct. 5, 1988]

**§ 1185.10 Common control.**

It shall not be necessary for any person to secure authorization under the

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foregoing provisions to hold the position of officer or director of two or more carriers, if such carriers are operated under common control or management, either.

(a) Pursuant to approval and authority of the Commission granted under 49 U.S.C. 11343–11344, or

(b) Pursuant to an exemption authorized by the Commission under 49 U.S.C. 10505, or

(c) Pursuant to a controlling, controlled, or common control relationship which has existed between such carriers since before June 16, 1933.

[35 FR 7651, May 16, 1970, as amended at 44 FR 75386, Dec. 20, 1979. Redesignated and amended at 47 FR 49595, Nov. 1, 1982. Redesignated at 53 FR 39097, Oct. 5, 1988]

### § 1185.11 Jointly used terminal properties.

Any person holding the position of officer or director of a carrier is hereby relieved from the foregoing provisions to the extent that he may also hold a directorship and any other position to which he may be elected or appointed with a terminal railroad the properties of which are operated or used by such carrier jointly with other carriers.

[35 FR 7651, May 16, 1970. Redesignated at 47 FR 49595, Nov. 1, 1982. Redesignated at 53 FR 39097, Oct. 5, 1988]

## PART 1186—EXEMPTION OF CERTAIN TRANSACTIONS UNDER 49 U.S.C. 11343

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1186.1 Scope of exemptions.

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AUTHORITY: 49 U.S.C. 11321, 11343(e); 5 U.S.C. 553; and 21 U.S.C. 853a.

### § 1186.1 Scope of exemptions.

Any transaction under 49 U.S.C. 11343(a)(1)–(5) among motor carriers of property or between them and noncarriers is exempt from the requirements of 49 U.S.C. 11343, 11344, and 11345a, subject to the right of employees and oth-

ers to file complaints as set forth in § 1186.8.

[53 FR 4853, Feb. 18, 1988]

### § 1186.2 Notice of exemption.

To qualify for an exemption under § 1186.1, the participants in the transaction must file an original and four copies of a joint Notice of Exemption with the Commission. The Notice of Exemption shall contain the following information:

(a) Names and addresses of the carriers or other parties involved;

(b) A brief, but specific description of the nature of the transaction;

(c) Certification of the accuracy of the contents of the notice by, and signature of, the persons who control the carriers or other parties involved in the transaction; and

(d) A jurisdictional statement stating why the transaction is subject to 49 U.S.C. 11343–11344.

(e) In purchase of assets or merger transactions, certification by the party acquiring any motor carrier operating rights through the transaction that it is not domiciled in Mexico nor owned or controlled by persons of that country.

(f) If the transaction involves the transfer of operating authority to an individual who will hold the authority in his or her name, that individual must complete the following certification:

I, \_\_\_\_\_ (Name) \_\_\_\_\_, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal Benefits, either by court order or operation of law, pursuant to 21 U.S.C. 853a.

[53 FR 4853, Feb. 18, 1988, as amended at 54 FR 35346, Aug. 25, 1989; 54 FR 48251, Nov. 22, 1989]

### § 1186.3 Attachments.

Attachments (an original and 10 copies) to the Notice of Exemption filed with the Commission should include:

(a) A short summary of the transaction to be published as a notice to the public; and